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LEGISLATIVE  
SERVICES DIVISION  
STATE OF WEST VIRGINIA

**WEST VIRGINIA LEGISLATURE**  
**REGULAR SESSION, 1975**

— ● —

**ENROLLED**

**HOUSE BILL No. 1356**

*Originating in the House Committee on*  
(By Mr. *J*)  
*Health and Welfare*

— ● —

PASSED *March 9,* 1975

In Effect *ninety days from* Passage



*356*

**ENROLLED**

**H. B. 1356**

(Originating in the House Committee on Health and Welfare)

[Passed March 9, 1975; in effect ninety days from passage.]

AN ACT to amend and reenact section one, article nineteen, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the definition of death.

*Be it enacted by the Legislature of West Virginia:*

That section one, article nineteen, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 19. UNIFORM ANATOMICAL GIFT ACT.**

**§16-19-1. Definitions.**

1 (a) "Bank or storage facility" means a facility licensed,  
2 accredited, or approved under the laws of any state for stor-  
3 age or distribution of human bodies or parts thereof.

4 (b) "Death" means that a person will be considered dead if  
5 in the announced opinion of the attending physician, based on  
6 ordinary standards of medical practice, the patient has ex-  
7 perience an irreversible cessation of spontaneous respiratory  
8 and circulatory functions; or, in the event that artificial means  
9 of support preclude a determination that these functions have  
10 ceased, a person will be considered dead if in the announced  
11 opinion of a physician, based on ordinary standards of medi-  
12 cal practice, the patient has experienced an irreversible cessa-  
13 tion of spontaneous brain functions.

14 Death will have occurred at the time when the relevant  
15 functions ceased.

16 (c) "Decedent" means a deceased individual and includes  
17 a stillborn infant or fetus.

18 (d) "Donor" means an individual who makes a gift of all or  
19 part of his body.

20 (e) "Hospital" means a hospital licensed, accredited, or  
21 approved under the laws of any state; includes a hospital op-  
22 erated by the United States government, a state, or a subdi-  
23 vision thereof, although not required to be licensed under state  
24 laws.

25 (f) "Part" means organs, tissues, eyes, bones, arteries, blood,  
26 other fluids and any other portions of a human body.

27 (g) "Person" means an individual, corporation, government  
28 or governmental subdivision or agency, business trust, estate  
29 trust, partnership or association, or any other legal entity.

30 (h) "Physician" or "surgeon" means a physician or surgeon  
31 licensed or authorized to practice under the laws of any  
32 state.

33 (i) "State" includes any state, district, commonwealth, terri-  
34 tory, insular possession, and any other area subject to the leg-  
35 islative authority of the United States of America.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Norris  
Chairman Senate Committee

Clarence C. Chestnut Jr.  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

James Long  
Clerk of the Senate

W. B. ...  
Clerk of the House of Delegates

W. B. ...  
President of the Senate

Louis J. McMane  
Speaker House of Delegates

The within approved this the 22<sup>nd</sup>  
day of March, 1975.

Paul A. ...  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/19/75

Time 4:10 p.m.